

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ZOHAR III, CORP., *et al.*,<sup>1</sup>

Debtors.

ZOHAR CDO 2003-1, LIMITED; ZOHAR II 2005-1, LIMITED; and ZOHAR III, LIMITED,

Plaintiffs,

v.

PATRIARCH PARTNERS, LLC;  
PATRIARCH PARTNERS VIII, LLC;  
PATRIARCH PARTNERS XIV, LLC;  
PATRIARCH PARTNERS XV, LLC;  
PHOENIX VIII, LLC; OCTALUNA LLC;  
OCTALUNA II LLC; OCTALUNA III LLC;  
ARK II CLO 2001-1, LLC; ARK  
INVESTMENT PARTNERS II, LP; ARK  
ANGELS VII, LLC; PATRIARCH  
PARTNERS MANAGEMENT GROUP, LLC;  
PATRIARCH PARTNERS AGENCY  
SERVICES, LLC; and LYNN TILTON,

Defendants.

Chapter 11

Case No. 18-10512 (KBO)

Jointly Administered

Adv. Pro. No. 20-50534 (KBO)

**Ref. Docket No. 68**

**ORDER AUTHORIZING THE FILING OF PORTIONS OF THE  
ZOHAR FUNDS' OPPOSITION TO THE DEFENDANT'S  
MOTION TO DISMISS THE COMPLAINT UNDER SEAL**

<sup>1</sup> The Debtors, and, where applicable, the last four digits of their taxpayer identification number are as follows: Zohar III, Corp. (9612), Zohar II 2005-1, Corp. (4059), Zohar CDO 2003-1, Corp. (3724), Zohar III, Limited (9261), Zohar II 2005-1, Limited (8297), and Zohar CDO 2003-1, Limited (5119). The Debtors' address is 3 Times Square, c/o FTI Consulting, Inc., New York, NY 10036.

Upon the motion (the “Motion”)<sup>2</sup> of the above-captioned plaintiffs (collectively, the “Zohar Funds”) for entry of an order (this “Order”), pursuant to section 107(b) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1(d), authorizing the Zohar Funds to file portions of the Opposition under seal; and it appearing that there is good and sufficient cause for the relief set forth in this Order; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this District is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and after due deliberation; and sufficient cause appearing therefor, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Zohar Funds are authorized to file those portions of the Opposition that were redacted in Docket No. [67] (the “Sealed Material”) under seal, until such time as the Complaint is unsealed or until further order from this Court.
3. The Sealed Material shall not be made available to anyone, except to the Court, the U.S. Trustee, the Patriarch Stakeholders, MBIA, the Zohar III Controlling Class, U.S. Bank, in its capacity as Indenture Trustee, Ankura, and, the independent managers of the Portfolio Companies, as applicable, and the respective advisors for each of the foregoing, and other parties in interest as

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

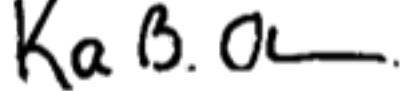
may be ordered or otherwise required by the Court, and all parties receiving the Sealed Material shall maintain its confidentiality, including in connection with any pleadings filed with this Court.

4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Zohar Funds are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

6. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Dated: December 11th, 2020  
Wilmington, Delaware



KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE

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